

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Lake Brantley Isles Second Amendment Vacate

DEPARTMENT: Planning and Development **DIVISION:** Development Review

AUTHORIZED BY: Alison Stettner

CONTACT: Alan Willis

EXT: 7332

MOTION/RECOMMENDATION:

1. ADOPT and authorize the Chairman to execute the Resolution to vacate and abandon a portion of the unpaved public rights-of-way of West Triangle Drive and Hibiscus Drive as shown in Lake Brantley Isles, Second Addition, as described in staff findings. (James Robertson)
2. DENY the request to vacate and abandon a portion of the unpaved public rights-of-way of West Triangle Drive and Hibiscus Drive in Lake Brantley Isles, Second Addition, as described in staff findings. (James Robertson)
3. CONTINUE the public hearing until a time and date certain.

District 3 Dick Van Der Weide

Alan Willis

BACKGROUND:

The applicant, James Robertson, is requesting to vacate and abandon a portion of the unpaved public rights-of-way of Hibiscus Drive and West Triangle Drive in Lake Brantley Isles, Second Addition, according to the Plat thereof, as recorded in Plat Book 11, Page 5, further described as located north of West Lake Brantley Road and south of Azalea Drive, in Seminole County, Florida, in Section 05, Township 21 S, Range 29 E. The applicant owns lots 1 through 8, lots 70 through 72, and lot 79. The existing rights of way do not serve any access to any property other than the applicant's property. The half vacate of West Triangle Drive will not affect lots 57 through 68 as their access is from East Triangle Drive. The applicant is requesting to vacate the rights of way to build three houses on approximately 8 acres without affecting the wetlands on the proposed site. The applicant is proposing one house on lots 1 through 4, one house on lots 5 through 8, and one house on lots 70, 71, and 72. The right-of-way vacates are needed to meet setbacks for the proposed homes in accordance with drainage and maintenance easements. The owner will apply for driveway permits for access. Lot 79 is total wetlands and the owner is providing a drainage easement over the entire parcel. The owner, also, is providing a 15-foot drainage and maintenance over the existing ditch that traverses lots 70, 71, and 72. And a drainage and maintenance easement will also be provided over the portion of the vacated right of way of Hibiscus Drive and lot 7 where the drainage ditch crosses to the west. The applicant has provided letters from the utility companies stating no objections to the Hibiscus and West Triangle Drive vacates. Staff has no objections to the vacation and abandonment of Hibiscus Drive and the northwesterly one half of West Triangle Drive rights-of- way subject to the applicant providing the drainage, maintenance, and conservation easements over the area. This request complies with the requirements and under the authority for vacating a right of way of Chapter 336.09 and 336.10, Florida Statutes.

STAFF RECOMMENDATION:

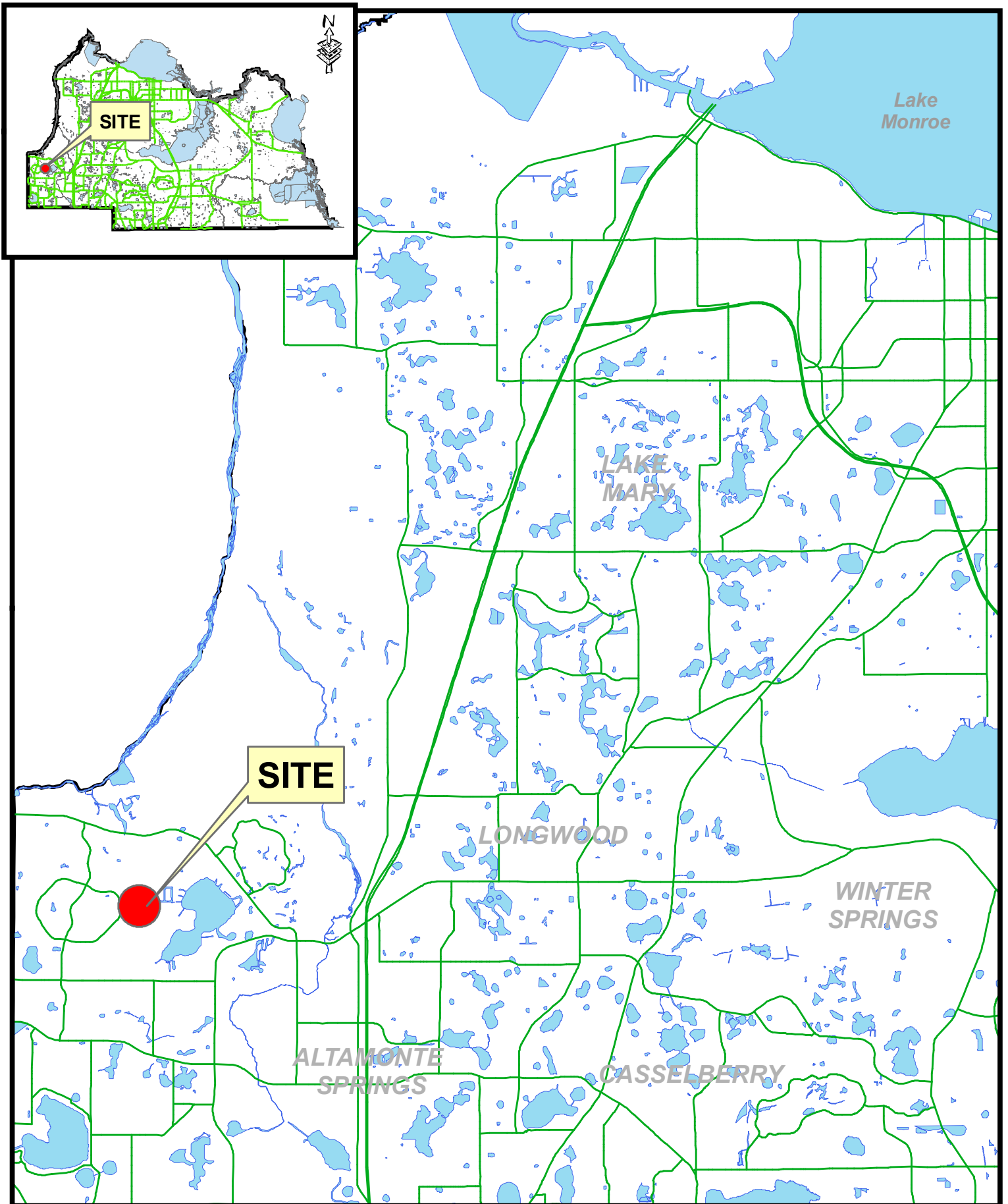
Staff recommends the Board adopt and authorize the Chairman to execute a Resolution to vacate and abandon a portion of the public rights-of-way of Hibiscus Drive and West Triangle Drive as shown on the plat of Lake Brantley Isles, Second Addition, as described in staff findings. (James Robertson)

ATTACHMENTS:

1. Maps and Aerials
2. Maps and Aerials
3. Maps and Aerials
4. Resolution
5. Sketch of Description
6. Sketch of Description
7. Drainage Easement to Seminole County

Additionally Reviewed By:

■ County Attorney Review (Kathleen Furey-Tran)

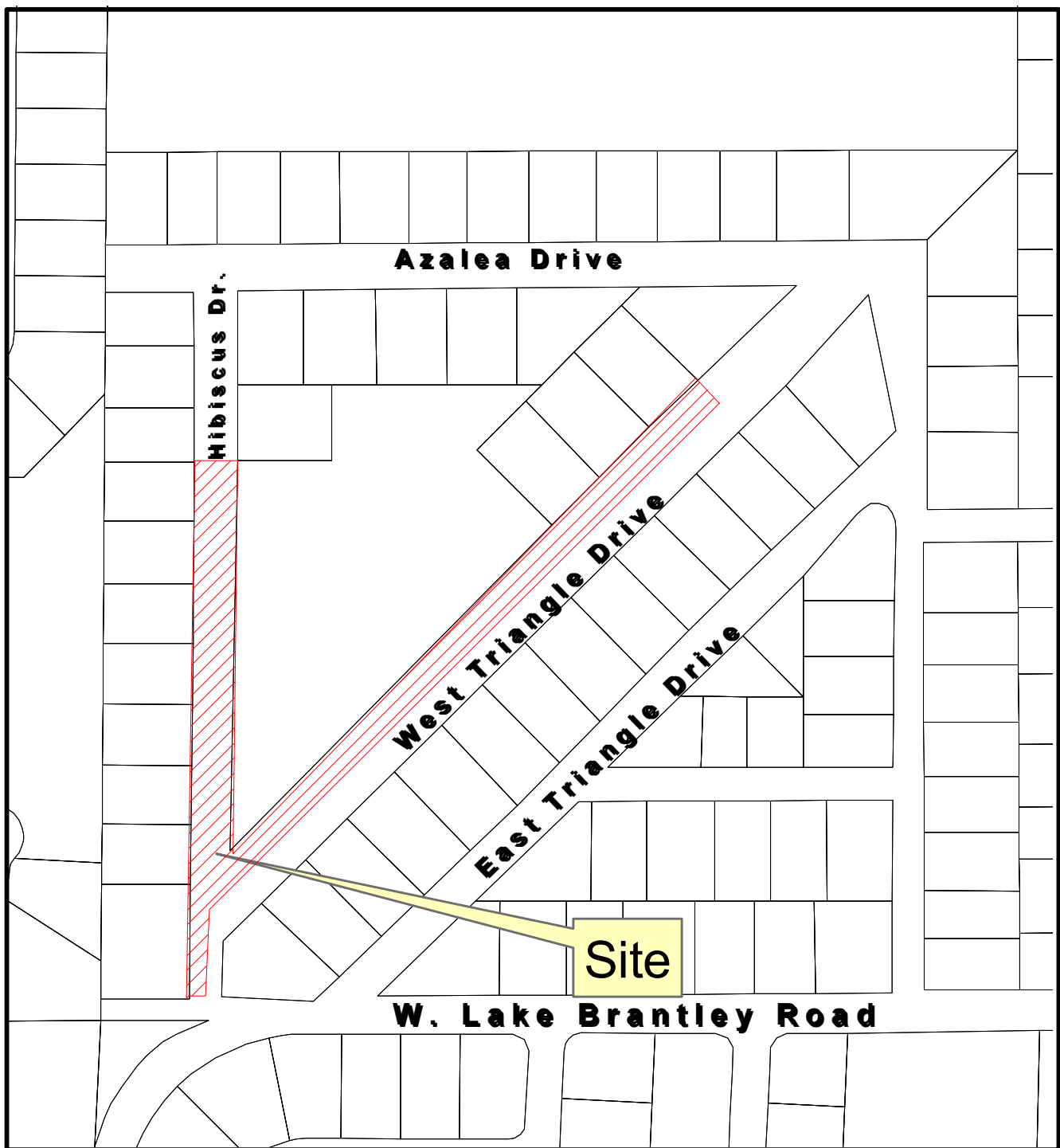


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Hibiscus Drive and West Triangle Drive
Right-of-Way Vacate
Area Map

Exhibit A





Hibiscus Drive and W. Triangle Drive
Right-of-Way Vacate





Hibiscus Drive and W. Triangle Drive Right-of-Way Vacate



RESOLUTION NO.: 2010-R-

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 12th DAY OF January A.D., 2010.

**RESOLUTION TO VACATE AND ABANDON A
RIGHT-OF-WAY**

.....
Whereas, a Petition was presented on behalf of

JAMES A. ROBERTSON

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described right-of-way, to-wit:

SEE ATTACHED EXHIBIT E AND F

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described right-of-way is to the best interest of the county and the public.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described Right-of-way be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public be, and the same is hereby disclaimed.

PASSED AND ADOPTED this 12TH day of January A.D., 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

BY:

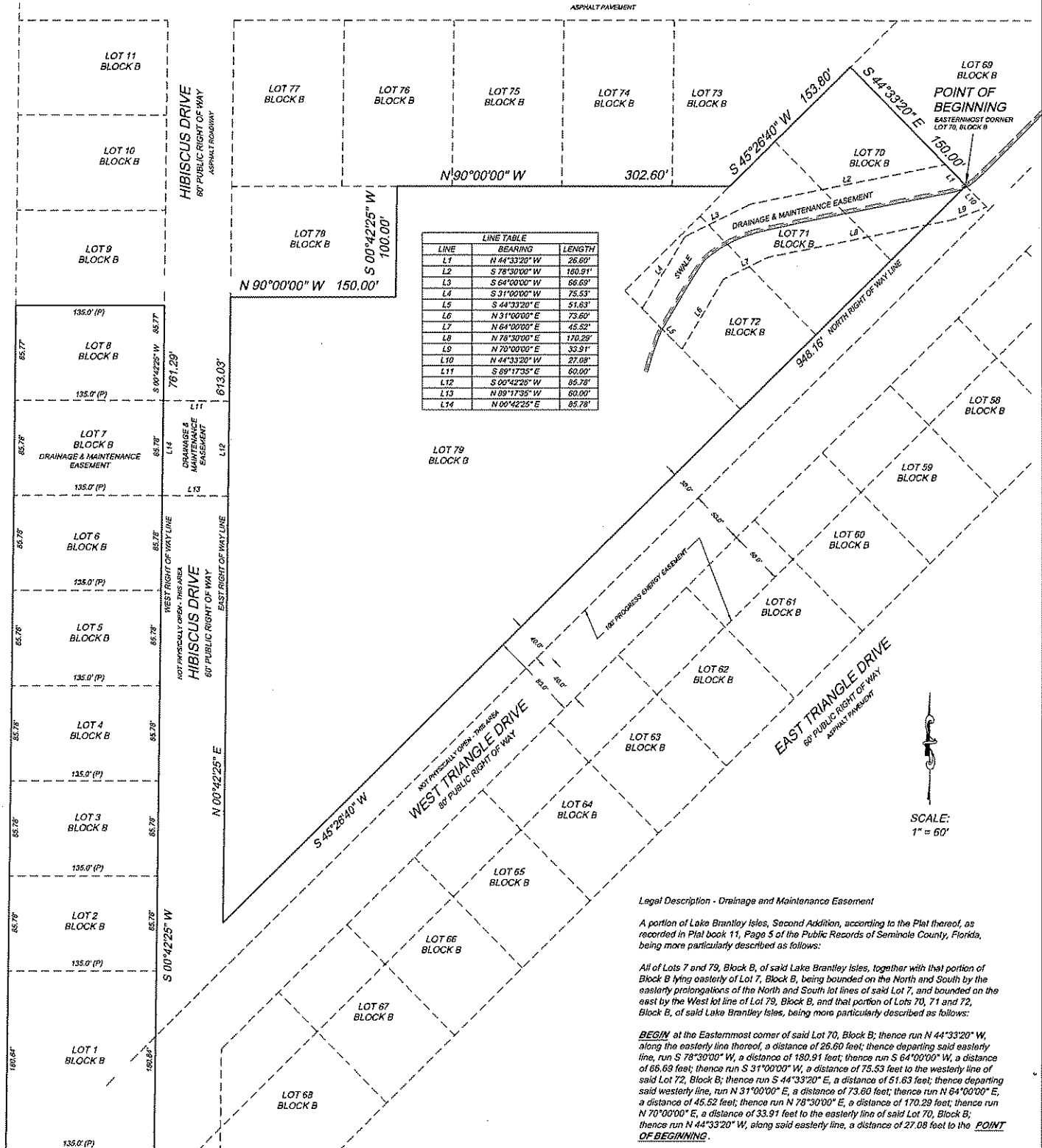
MARYANNE MORSE

BOB DALLARI

CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

CHAIRMAN

AZALEA DRIVE
60' PUBLIC RIGHT OF WAY
ASPHALT PAVEMENT



LOT 79
BLOCK B

Legal Description - Drainage and Maintenance Easement

A portion of Lake Brantley Isles, Second Addition, according to the Plat thereof, as recorded in Plat book 11, Page 5 of the Public Records of Seminole County, Florida, being more particularly described as follows:

All of Lots 7 and 79, Block B, of said Lake Brantley Isles, together with that portion of Block B lying easterly of Lot 7, Block B, being bounded on the North and South by the easterly prolongations of the North and South lot lines of said Lot 7, and bounded on the east by the West lot line of Lot 79, Block B, and that portion of Lots 70, 71 and 72, Block B, of said Lake Brantley Isles, being more particularly described as follows:

BEGIN at the Easternmost corner of said Lot 70, Block B; thence run N 44°33'20" W, along the easterly line thereof, a distance of 26.60 feet; thence departing said easterly line, run S 78°30'00" W, a distance of 180.91 feet; thence run S 64°00'00" W, a distance of 66.69 feet; thence run S 31°00'00" W, a distance of 75.53 feet to the westerly line of said Lot 72, Block B; thence run S 44°33'20" E, a distance of 51.63 feet; thence departing said westerly line, run N 31°00'00" E, a distance of 73.60 feet; thence run N 64°00'00" E, a distance of 45.52 feet; thence run N 78°30'00" E, a distance of 170.29 feet; thence run N 70°00'00" E, a distance of 33.91 feet to the easterly line of said Lot 70, Block B; thence run N 44°33'20" W, along said easterly line, a distance of 27.08 feet to the **POINT OF BEGINNING**.

Containing 16,142 sq ft, more or less.

**SKETCH OF DESCRIPTION
DRAINAGE AND MAINTENANCE EASEMENT
OVER A PORTION OF
LAKE BRANTLEY ISLES, SECOND ADDITION
PLAT BOOK 11, PAGE 5, PUBLIC RECORDS
OF SEMINOLE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY**

Surveyors Notes

- The bearings shown hereon are based upon the South Right of Way line of West Triangle Drive, having an assumed bearing of S 49°28'40" W.
- Sketch of Description only - no corners were set as a result of this Sketch.
- Not valid without the signature and the original raised seal of the Professional Surveyor and Mapper.
- Improvements not shown for the purpose of this sketch.

HARTLEY SURVEYING, INC
283 TIGER LILY COURT
ALTAMONTE SPRINGS, FL 32714
407-383-6978 407-786-9415 (FAX)
LB #7197

JEFF L. HARTLEY, PSM #5716
DATE:

Prepared by and return recorded copy to:
Jeff L. Hartley, PSM
Hartley Surveying, Inc.
283 Tiger Lily Court
Altamonte Springs, Florida 32714

With a recorded copy to:
Clerk to the Board of County Commissioners
1101 E. First Street
Sanford, FL 32771

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made and entered into this 16th day of December, 2009, by and between **James Robertson**, resident of Seminole County, FL, whose address is 2251 King Henrys Court, Winter Park, FL 32792, hereinafter referred to as the "GRANTOR", and **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the "GRANTEE".

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey to the GRANTEE and its assigns, an exclusive, perpetual and permanent easement and right-of-way for drainage purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, a drainage system consisting of pipes, ditches, detention, percolation or disposal areas or any combination thereof, together with appurtenant drainage structures, over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

See attached Exhibit "A"

Located in Property Appraiser's Parcel ID No.: 05-21-29-502-0B00-0790

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

The **GRANTEE** herein and its assigns shall have the right to clear, keep clear and remove from said right-of-way all trees, undergrowth, and other obstructions that may interfere with location, excavation, operation or maintenance of the drainage or any structures installed thereon by the GRANTEE and its assigns, and the GRANTOR, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said right-of-way that may interfere with the location, excavation, operation or maintenance of the drainage or any structures installed thereon. Notwithstanding the issuance of any permit to construct a fence or other structure, the GRANTOR recognizes and consents to the right of the

DEC 17 2009
DEVELOPMENT REVIEW

GRANTEE or an authorized utility company if applicable, to remove the fence or other structure from the easement area without compensation or reimbursement to the GRANTOR if the fence or other structure is deemed to impede the purpose or utility of the easement.

The GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey the said easement and that it is free from all encumbrances.

The property conveyed herein may include roads, water and sewer or other types of lines, drainage facilities or systems, or other facilities or systems which will become the responsibility of the GRANTEE. The GRANTOR hereby represents to the GRANTEE that it has no knowledge of any latent or patent defects. GRANTOR hereby assigns, transfers and conveys to the GRANTEE any and all rights against any patent defects including, but not limited to any and all warranties, claims and other forms of indemnification. By execution of this document the GRANTOR affirmatively represents that it has the contractual right, consent and lawful authority of any and all forms to take this action in this document and in this form. The GRANTOR recognizes that the GRANTEE is relying upon the GRANTOR's representations as herein expressed.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal in the day and year above written.

Witness *Jeff L. Hartley*
Print Name *JEFF L. HARTLEY*

By: *James Robertson*
James Robertson, Owner

Witness *Phyllis Patrick*
Print Name *Phyllis PATRICK* Date: 12/16/09

Attachments: Exhibit "A" - Property description of easement, Easement Acceptance Form

STATE OF FLORIDA
COUNTY OF *Seminole*

I HEREBY CERTIFY that, on this 16th day of December, 2009, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared James Robertson who has produced Florida Drivers License # *R163 44155 4200* as identification and that he/she did take an oath.

[NOTARY SEAL]

Notary Public signature

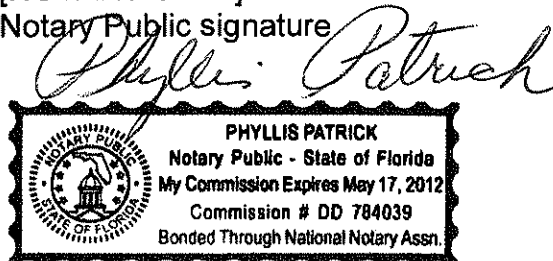


Exhibit "A"

Legal Description – Drainage Easement

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